

PECKAR & ABRAMSON, P.C.
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*Attorneys for Respondent Personal Touch
Home Care of N.Y., Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

1199SEIU UNITED HEALTHCARE WORKERS
EAST,

Petitioner,
-against-

PSC COMMUNITY SERVICES, NEW
PARTNERS, INC. d/b/a PARTNERS IN CARE,
STELLA ORTON HOME CARE AGENCY,
RICHMOND HOME NEEDS, SUNNYSIDE
HOME CARE PROJECT, SUNNYSIDE
CITYWIDE HOME CARE, FAMILY HOME
CARE OF BROOKLYN AND QUEENS, CARE
AT HOME, CHINESE-AMERICAN PLANNING
COUNCIL HOME ATTENDANT PROGRAM,
UNITED JEWISH COUNCIL OF THE EAST
SIDE HOME ATTENDANT SERVICE CORP.,
THE FIRST CHINESE PRESBYTERIAN
COMMUNITY AFFAIRS HOME ATTENDANT
CORP., AZOR HOME CARE, BUSHWICK
STUYVESANT HEIGHTS HOME
ATTENDANT, INC., CABS HOMECARE,
RIVERSPRING LICENSED HOMECARE
SERVICES AGENCY, INC., ST. NICHOLAS
HUMAN SUPPORTS CORP., WARTBURG,
ALLIANCE FOR HEALTH, INC., REGION
CARE, INC., SPECIAL TOUCH HOME CARE
SERVICES, INC., RAIN, INC., PRESTIGE
HOME CARE, INC., PRESTIGE HOME
ATTENDANT, INC. d/b/a ALL SEASON HOME
ATTENDANT, PERSONAL TOUCH HOME
CARE OF N.Y., INC., PRIORITY HOME
SERVICES, PREMIER HOME HEALTH CARE,

CIVIL ACTION NO.: 1:20-CV-03611
(GBD)

**PERSONAL TOUCH HOME CARE
OF N.Y., INC.'s ANSWER TO
PETITION TO CONFIRM
ARBITRATION AWARD**

INC., BRONX JEWISH COMMUNITY COUNCIL HOME ATTENDANT SERVICES, CIDNY INDEPENDENT LIVING SERVICES, HOME CARE SERVICES FOR INDEPENDENT LIVING, NEW YORK FOUNDATION FOR SENIOR CITIZENS HOME ATTENDANT SERVICES, COOPERATIVE HOME CARE ASSOCIATES, RISEBORO HOME CARE, INC., FEGS HOME ATTENDANT SERVICES, HOME HEALTH MANAGEMENT SERVICES, INC., SCHOOL SETTLEMENT HOME ATTENDANT CORP., ROCKAWAY HOME ATTENDANT, BRONXWOOD HOME FOR THE AGED, INC., ACCENTCARE OF NY, INC., ISABELLA VISITING CARE, INC., SOCIAL CONCERN COMMUNITY DEVELOPMENT CORP., ABC HEALTH SERVICES REGISTRY, ALLIANCE HOME SERVICES, collectively identified by the Arbitrator as the “HOME HEALTH CARE AGENCIES”,

Respondents

Respondent, Personal Touch Home Care of N.Y., Inc., (“Respondent” or “Personal Touch”), by and through its attorneys, Peckar & Abramson, P.C., as and for its Answer to the Petition of 1199 SEIU United Healthcare Workers East (“Petitioner”) to Confirm Arbitration Award, state as follows:

NATURE OF ACTION

1. Respondent admits that Petitioner seeks to proceed pursuant to Section 201 of the Labor Management Relations Act. The document attached to the Petition as Exhibit A speaks for itself.

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PARTIES

2. Respondent admits that 1199SEIU is a labor organization but denies knowledge or information sufficient to form a belief as to the truth of the balance of the allegations contained in Paragraph 2 of the Petition.
3. Respondent admits the allegations set forth in Paragraph 3 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Petition as to other Respondents.

JURISDICTION AND VENUE

4. Respondent admits the allegations contained in paragraph 4 of the Petition.
5. Respondent admits the allegations contained in paragraph 5 of the Petition.

STATEMENT OF FACTS

6. Respondent admits the allegations contained in paragraph 6 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Petition as to other Respondents.
7. Respondent admits that Petitioner is a party to a collective bargaining agreement ("CBA") with Respondent. Respondent denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 7 of the Petition as it relates to other Respondents.
8. Respondent admits that the Petitioner's CBA with Respondent contains a similar grievance and arbitration provision as set forth in Paragraph 8 of the Petition. Respondent denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8 of the Petition as it relates to other Respondents.

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9. Respondent admits that they signed a Memorandum of Agreement with Petitioner amending the CBA with Respondent. Respondent denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 9 of the Petition as it relates to other Respondents.

10. Respondent admits that they signed a Memorandum of Agreement with Petitioner containing a similar provision for the resolution of claims pursuant to an alternative dispute resolution process. Respondent denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 10 of the Petition as it relates to other Respondents.

11. Respondent admits the allegations contained in paragraph 11 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Petition as to other Respondents.

12. Respondent admits the allegations contained in paragraph 12 of the Petition.

13. Respondent admits the allegations contained in paragraph 13 of the Petition.

14. Respondent admits the allegations contained in paragraph 14 of the Petition.

15. Respondent admits the allegations contained in paragraph 15 of the Petition.

16. Respondent admits the allegations contained in paragraph 16 of the Petition.

17. Respondent admits the allegations contained in paragraph 17 of the Petition.

18. Respondent admits the allegations contained in paragraph 18 of the Petition.

19. Respondent admits the allegations contained in paragraph 19 of the Petition.

20. Respondent admits the allegations contained in paragraph 20 of the Petition, but aver that the content of the Award speaks for itself.

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21. Respondent admits the allegations contained in paragraph 21 of the Petition, but avers that the content of the Award speaks for itself.
22. Respondent admits the allegations contained in paragraph 22 of the Petition.
23. Respondent admits the allegations contained in paragraph 23 of the Petition.
24. Respondent admits the allegations contained in paragraph 24 of the Petition.
25. Respondent denies knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Petition

Dated: June 12, 2020

New York, New York

Respectfully Submitted,

PECKAR & ABRAMSON, P.C.

By: /s/ Gregory R. Begg

GREGORY R. BEGG

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DECLARATION OF SERVICE

I declare that, on this date, a copy of this Answer to Petition was electronically served via ECF upon counsel for Plaintiff as follows:

LEVY RATNER, P.C.
Laureve Blackstone
Attorneys for Petitioner
1199SEIU United Healthcare Workers East
80 Eighth Avenue
New York, New York 10011

Dated: June 12, 2020

/s/ Gregory R. Begg

By: _____
GREGORY R. BEGG

Personal Touch Answer to Petition_(4358415)_(1) (002)

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